1 UNITED STATES DISTRICT COURT DISTRICT OF NEVADA 2 *** 3 4 WESCO INSURANCE COMPANY as Case No.: 2:16-cv-01206-JCM-EJY subrogee of its insured NICKELS AND 5 DIMES INCORPORATED, ORDER 6 Plaintiff, 7 v. 8 SMART INDUSTRIES CORPORATION dba SMART INDUSTRIES CORP., MFG., an Iowa 9 corporation. 10 Defendants. 11 12 Before the Court is Defendant Boulevard Ventures, LLC's Motion for Determination of 13 Good Faith Settlement (ECF No. 36, filed in 2:16-cy-02378 prior to consolidation with 2:16-cy-14 1206). No opposition to this Motion was filed. 15 The Court finds the global settlement of \$75,000, with \$25,000 being distributed each to 16 Jennifer Wyman, Bear Wyman and the Estate of Charles Wyman is in good faith in accordance with 17 NRS 17.245 and In re MGM Grand Hotel Fire Litig., 570 F.Supp. 913, 927 (D. Nev. 1893). 18 Specifically, the Court finds the amount paid and allocation are reasonable in light of all facts alleged 19 in this case. See ECF No. 187 for summary of facts. Further, the facts demonstrate that Boulevard 20 Mall is unlikely to be found liable for harm and, for this reason, insurance policy limits were not 21 considered. There is no evidence of collusion or fraud as the parties reached settlement after good 22 faith, arm's length negotiations. 23 Accordingly, 24 IT IS HEREBY ORDERED that Defendant Boulevard Ventures, LLC's Motion for 25 Determination of Good Faith Settlement (ECF No. ECF No. 36 filed in 2:16-cv-02378 consolidated 26 with 2:16-cv-01206) is GRANTED.

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IT IS FURTHER ORDERED that the parties to this settlement shall submit a stipulation to dismiss claims asserted by Plaintiffs Jennifer Wyman, Bear Wyman and the Estate of Charles Wyman against Defendant Boulevard Ventures, LLC within five business days of payment of settlement funds, each party to bear its own fees and costs.

DATED: February 10, 2020

ELAYNA J. YOUCHAH

UNITED STATES MAGISTRATE JUDGE